

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

IN RE:

JAMES S FURR JR  
DEBORAH K FURR

CASE NO. 13-58849

CHAPTER 13

DEBTOR

JUDGE CHARLES M. CALDWELL

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**OBJECTION TO CONFIRMATION**

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TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

Comes now Jeffrey P. Norman, Chapter 13 Trustee and objects to confirmation of the plan and would show this Court that in the above-referenced case the Court should enter an order denying confirmation for the reasons set forth below and dismissing the case pursuant to 11 USC §1307(c) for the following:

- X The Chapter 13 Statement of Financial Affairs, Plan, Means Test, or Schedules must be amended to reflect the changes in the following areas: 1.) The proposed plan payment fails to cover all minimum payments in the plan. 2.) The property description in A(2) of the plan is incorrect (note: it should be the Hyundai). 3.) Based on the appraisal, there is no equity in the real estate to which the second mortgage can attach.
- X The Debtors have not filed their Federal and/or State income tax return for the following year(s): 2011 and 2012. Per letter from the State of Ohio, the debtors have failed to file their 2011 and 2012 Ohio tax returns. Signed copies of the returns needed. Therefore the Debtors are not able to meet the burden of proving that the Plan complies with 11 U.S.C. § 1322 (a)(2).
- X The Plan does not meet the best interest test of 11 U.S.C. § 1325. The best interest dividend is 3%, but the plan only proposes a 2% unsecured dividend.
- X Per 341 testimony, the debtors have not filed their 2010, 2011 or 2012 RITA tax returns. Proof these returns were filed is needed.

Wherefore, the Trustee prays the Court deny confirmation for the reasons set forth and the case be dismissed or converted to Chapter 7, whichever shall be determined in the creditor's best interest.

Dated: 12/23/2013

Respectfully submitted,

/s/ Jeffrey P. Norman

Jeffrey P. Norman  
Chapter 13 Trustee  
One Columbus  
10 West Broad St., Suite 900  
Columbus, OH 43215-3449  
Telephone: 614-420-2555  
Facsimile: 614-420-2550

<b>CERTIFICATE OF SERVICE</b>
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I hereby certify that a copy of the foregoing Objection To Confirmation was served on the following registered ECF participants, electronically through the Court's ECF System at the e-mail address registered with the Court, or by ordinary U.S. mail, postage prepaid, on this date.

Dated 12/23/2013

/s/ Jeffrey P. Norman

Electronically signed by  
Jeffrey P. Norman, Chapter 13 Trustee

By the Court's ECF System:

Asst. U.S. Trustee  
Jeffrey P. Norman, Chapter 13 Trustee  
Christopher J Spiroff Esq, Attorney for Debtor

By ordinary U.S. Mail addressed to:

James S Furr Jr  
Deborah K Furr  
64 Anna Way  
Johnstown, Oh 43031